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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/243,269	02/03/1999	HELENA G. KOAY	L0012/7006	2256

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MOSER, PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE
FIRST FLOOR
SHREWSBURY, NJ 07702

EXAMINER
KWOH, JASPER C

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/243,269	KOAY, HELENA G.	
	Examiner	Art Unit	
	Jasper Kwoh	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 18-27* is/are rejected.

7)☒ Claim(s) *16 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: there should be a space between 1 and wherein instead of 1wherein as stated in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 26 recites the limitation "a first, east or west port" in line 3. It is unclear if there are 2 or 3 ports. Moreover, it is unclear why there is a first when there is no second port.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Judd et al.

Regarding claim 1, Judd et al. discloses a network comprising plurality of ports (i.e. fig. 1, each node has 2 ports and the network has a plurality of nodes) and path connecting two ports (i.e. fig. 2, there is a link between the ports), and a link identifier configured to transmit a port identification message through the path (i.e. col. 10, ll. 39-50, Queries node which include a Unique ID).

Regarding claims 2-3, Judd et al. discloses messages converge on an agreed identification (i.e. modify address after comparing) and initiating message responsive to port modification (i.e. col. 11, ll. 1-3, with new link, initiator will perform).

Regarding claims 7-10, identify link by port ID (i.e. col. 12, ll. 7-10, operational ports are included and active links are implied), to develop a network map (i.e. col. 12, ll. 7-10, operational ports are included and map is formed), alarm to reroute communications and allocate bandwidth in accordance with network mapping (i.e col. 11, ll. 4-11, asynchronous message acts as alarm and error path's bandwidth is not used and deleted from configuration table).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4-6, 11-15, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd et al.

Regarding claims 11 and 18, Judd et al. discloses a method comprising transmitting a port identification message from a port to another port at the other end of the path including perception of the network link, and comparing the perceptions of the two ports of the link (i.e. abstract; col. 10, ll. 39-50, Queries node which include a Unique ID, and compare path address against a predetermined value). Judd et al. does not specifically disclose that the predetermined value is obtained by receiving a second message from the other port. However, Judd et al teaches the use of a port transmitting (i.e. fig. 3, initiator starts and forwards message); it is inherent that any port could be an initiator in order to keep more accurate network map. Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to use the updated network map as predetermined value in order to further maintain the most current network map.

Regarding 12-13, 15, 19-20 and 25, Judd et al. discloses ports are connected by link (i.e. fig. 1, each node has 2 ports and the network has a plurality of nodes; fig. 2, there is a link between the ports) and information is transmitted over the link (i.e. abstract, query_node messages are transmitted over the link from the port), that the information received at the port is inherently stored and it could be the same as the predetermined value, provisioning path according to map and allocate bandwidth (i.e. col. 11, ll. 4-8, working path is determined with the map and it is allocated bandwith if its working and no bandwidth if not working), and the network is bi-directional (i.e. col. 11, ll. 40-60, query_node and query_node_reply travels different directions on the path). It does not specifically disclose east and west ports both transmit messages. However, it

is inherent that each port could be an initiator. Therefore, it would have been obvious for an ordinary person skilled in the art at the time of the invention to allow the system to allow different ports to be an initiator in order to keep more accurate network map.

Regarding claims 4-6, 14 and 21-24, Judd et al does not specifically disclose using optical paths and use standards such as SONET, SDH, and LAPD. Official notice is taken that optical telecommunications network using standards such as SONET/SDH and LAPD are old and well known. It would have been obvious to an ordinary person skilled in the art at the time of the invention to include using those standard with an optical network with the method and system of Judd et al. in order to allow the optical network to configure and update the network map efficiently.

Allowable Subject Matter

9. Claims 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 26-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Russel et al. is cited to show a spannign tree algorithm.

b. Flanagan is cited to show a packet propagation and dynamic routing discovery apparatus and techniques.

c. Croslin et al. is cited to show a dynamic restoration process for a telecommunications network.

d. Tattersall et al. is cited to show a ring network system.

e. Liang is cited to show a method and apparatus for identifying port station relationships in a network.

f. Coden is cited to show a circuits and methods for a ring network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Jasper Kwoh
Examiner
Art Unit 2663

JK
July 21, 2002

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600